

11-08-06

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ATTORNEY DKT NO.: D0305-015

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                  |  |                 |                   |
|------------------|--|-----------------|-------------------|
| Assignee:        | DataSynapse, Inc.  | Group Art Unit: | 2153              |
| Applicants:      | James Bernardin, et al.  | Examiner:       | Yasin M. Barqadle |
| U.S. Serial No.: | 09/711,634 ✓   |                 |                   |
| Filed:           | 11/13/2000   |                 |                   |
| Title:           | METHODS, APPARATUS AND ARTICLES-OF-MANUFACTURE FOR PROVIDING ALWAYS-LIVE DISTRIBUTED COMPUTING |                 |                   |

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Director, United States Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR PERMISSION TO WITHDRAW AS ATTORNEYS OF RECORD**

Jeffrey I.D. Lewis, a member of the law firm of Patterson Belknap Webb & Tyler LLP ("Firm"), located at 1133 Avenue of the Americas, New York, New York 10036, respectfully requests permission for this Firm and all attorneys associated with its Customer Number (23723) to withdraw as attorneys of record in connection with the above-noted application and asks that such withdrawal be entered.

The Assignee is DataSynapse, Inc., having an address of 632 Broadway, 5th Floor, New York, New York 10012.

The attorney who was responsible for this matter, David Garrod, moved to the firm of Goodwin Proctor LLP, 599 Lexington Avenue, New York, New York 10022, Tel.: (212) 459-7392, Fax: (212) 355-3333, Email: dgarrod@goodwinproctor.com, two years ago and took all relevant files with him to the firm of Goodwin Proctor LLP. Goodwin Proctor LLP is now counsel for the owner of the above-referenced application, and Mr. Garrod is supposed to be coordinating the filing of a new Power of Attorney.

We observe from the USPTO's PAIR system database that Mr. Garrod and his colleagues have communicated with the examiner for the captioned patent application on April 29, 2005, the USPTO rescinded its Notice of Abandonment for the captioned patent application. (See Attachment A).

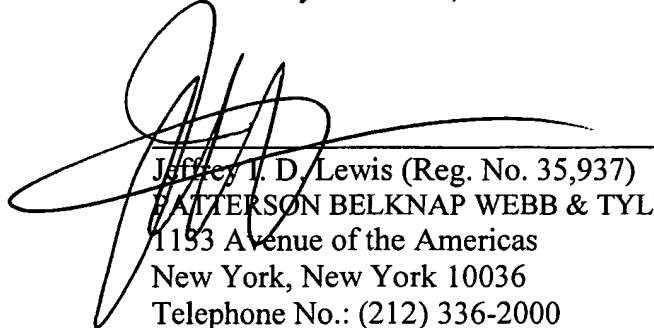
By letter dated August 22, 2006 (Attachment B), the Firm again gave notice of their intent to withdraw as counsel and renewed its request that Mr. Garrod file a new Power of Attorney, which he said he would attend to.

It is respectfully requested that the Director grant the Firm's request to withdraw as the attorneys of record and forward all future correspondence directly to Applicants at the address indicated above. Any fees associated with this request may be charged to counsel's Deposit Account, but it is further requested that the Application be dissociated from counsel's Customer Number and Deposit Account other than for this request.

Early and favorable response is appreciated.

10/2, 2006

Respectfully submitted,




Jeffrey I. D. Lewis (Reg. No. 35,937)  
PATTERSON BELKNAP WEBB & TYLER LLP  
1153 Avenue of the Americas  
New York, New York 10036  
Telephone No.: (212) 336-2000

Enclosures

cc: David Garrod, Esq.  
DataSynapse, Inc.

Search results as of: 10-23-2006::15:00:24 E

**Bibliographic Data**

|                         |                                |                            |                         |
|-------------------------|--------------------------------|----------------------------|-------------------------|
| Application Number:     | 09/711,634                     | Customer Number:           | -                       |
| Filing or 371 (c) Date: | 11-13-2000                     | Status:                    | Non Final Action Mailed |
| Application Type:       | Utility                        | Status Date:               | 04-29-2005              |
| Examiner Name:          | BARQADLE, YASIN M              | Location:                  | ELECTRONIC              |
| Group Art Unit:         | 2153                           | Location Date:             | -                       |
| Confirmation Number:    | 7190                           | Earliest Publication No:   | -                       |
| Attorney Docket Number: | 1939-002                       | Earliest Publication Date: | -                       |
| Class / Subclass:       | 709/201                        | Patent Number:             | -                       |
| First Named Inventor:   | James Bernardin , Brooklyn, NY | Issue Date of Patent:      | -                       |

|                     |  |
|---------------------|--|
| Title of Invention: | Methods, apparatus and articles-of-manufacture for providing always-live distributed computing |
|---------------------|--|

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Search results as of: 10-23-2006::15:00:33 E.T.

| <b>Transaction History</b> |  |
|----------------------------|--|
| <b>Date</b>                | <b>Transaction Description</b>                                     |
| 09-26-2006                 | IFW TSS Processing by Tech Center Complete                         |
| 08-08-2005                 | Case Docketed to Examiner in GAU                                   |
| 04-29-2005                 | Mail Notice of Rescinded Abandonment                               |
| 04-29-2005                 | Mail Examiner Interview Summary (PTOL - 413)                       |
| 03-28-2005                 | Examiner Interview Summary Record (PTOL - 413)                     |
| 04-28-2005                 | Notice of Rescinded Abandonment in TCs                             |
| 11-24-2004                 | Mail Abandonment for Failure to Respond to Office Action           |
| 11-24-2004                 | Abandonment for Failure to Respond to Office Action                |
| 11-17-2004                 | Workflow incoming amendment IFW                                    |
| 05-14-2004                 | Mail Notice of Restarted Response Period                           |
| 05-13-2004                 | Letter Restarting Period for Response (i.e. Letter re: References) |
| 05-13-2004                 | Correspondence Address Change                                      |
| 04-21-2004                 | Mail Non-Final Rejection   |
| 04-19-2004                 | Non-Final Rejection  |
| 04-16-2004                 | Case Docketed to Examiner in GAU                                   |
| 01-02-2004                 | Case Docketed to Examiner in GAU                                   |
| 04-08-2003                 | Case Docketed to Examiner in GAU                                   |
| 05-25-2001                 | Information Disclosure Statement (IDS) Filed                       |
| 04-20-2001                 | Case Docketed to Examiner in GAU                                   |
| 03-23-2001                 | Application Dispatched from OIPE                                   |
| 03-23-2001                 | Application Is Now Complete  |
| 01-12-2001                 | Notice Mailed--Application Incomplete--Filing Date Assigned        |
| 01-12-2001                 | Correspondence Address Change                                      |
| 12-07-2000                 | IFW Scan & PACR Auto Security Review                               |
| 11-13-2000                 | Initial Exam Team nn   |

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This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click StartDownload.

| Mail Room Date  | Document Description  | Page Count |
|--|--|------------|
| 04-29-2005   | Examiner Interview Summary Record (PTOL - 413)   | 3          |
| 11-24-2004   | Abandonment  | 2          |
| 11-17-2004   | Miscellaneous Incoming Letter  | 1          |
| 11-17-2004   | Amendment - After Non-Final Rejection  | 1          |
| 11-17-2004   | Claims   | 37         |
| 11-17-2004   | Applicant Arguments/Remarks Made in an Amendment   | 4          |
| 11-17-2004   | Extension of Time  | 1          |
| 05-14-2004   | Miscellaneous Action with SSP  | 1          |
| 04-21-2004   | Non-Final Rejection  | 29         |
| 04-21-2004   | List of References cited by applicant and considered by examiner                                       | 8          |
| 04-21-2004   | List of references cited by examiner   | 1          |
| 04-21-2004   | Foreign Reference  | 23         |
| 05-25-2001   | Information Disclosure Statement (IDS) Filed   | 2          |
| 05-25-2001   | NPL Documents  | 10         |
| 05-25-2001   | NPL Documents  | 10         |
| 05-25-2001   | NPL Documents  | 17         |
| 05-25-2001   | NPL Documents  | 10         |
| 05-25-2001   | NPL Documents  | 12         |
| 05-25-2001   | NPL Documents  | 9          |
| 05-25-2001   | NPL Documents  | 6          |
| 05-25-2001   | NPL Documents  | 9          |
| 05-25-2001   | NPL Documents  | 13         |
| 05-25-2001   | NPL Documents  | 9          |
| 05-25-2001   | NPL Documents  | 8          |
| 05-25-2001   | NPL Documents  | 16         |
| 05-25-2001   | NPL Documents  | 33         |
| 05-25-2001   | NPL Documents  | 15         |
| 05-25-2001   | NPL Documents  | 7          |
| 05-25-2001   | NPL Documents  | 20         |
| 05-25-2001   | NPL Documents  | 15         |

|            |   |    |
|------------|---|----|
| 05-25-2001 | NPL Documents   | 15 |
| 05-25-2001 | NPL Documents   | 26 |
| 05-25-2001 | NPL Documents   | 10 |
| 05-25-2001 | NPL Documents   | 5  |
| 05-25-2001 | NPL Documents   | 25 |
| 05-25-2001 | NPL Documents   | 7  |
| 03-12-2001 | Miscellaneous Incoming Letter   | 3  |
| 03-12-2001 | Oath or Declaration filed   | 2  |
| 01-12-2001 | Miscellaneous Action with SSP   | 1  |
| 11-13-2000 | Issue Information including classification, examiner, name, claim, renumbering, etc.  | 1  |
| 11-13-2000 | Search information including classification, databases and other search related notes | 1  |
| 11-13-2000 | Index of Claims   | 1  |
| 11-13-2000 | Transmittal letter  | 2  |
| 11-13-2000 | Drawings  | 2  |
| 11-13-2000 | Specification   | 18 |
| 11-13-2000 | Claims  | 23 |
| 11-13-2000 | Oath or Declaration filed   | 2  |
| 11-13-2000 | Bibliographic Data Sheet  | 1  |
| 11-13-2000 | Fee Worksheet (PTO-875)   | 1  |
| 11-13-2000 | Fee Worksheet (PTO-875)   | 1  |
| 11-13-2000 | Miscellaneous Incoming Letter   | 47 |
| 11-13-2000 | Miscellaneous Incoming Letter   | 47 |

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Search results as of: 10-23-2006::15:01:06 E.T.

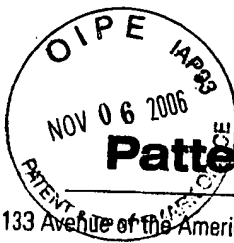
**Attorney/Agent Correspondence Information****Correspondence Address**

Name: PATTERSON BELKNAP WEBB & TLER  
LLP  
Address: 1133 AVENUE OF THE AMERICAS  
NEW YORK NY 10036  
UNITED STATES (US)

**Attorney/Agent Information**

| Reg # | Name             | Phone        |
|-------|------------------|--------------|
| 32058 | Ruben, Bradley   | 201-239-0707 |
| 34986 | Murphy, Brian    | 212-309-2108 |
| 35149 | Garrod, David    | 212-459-7392 |
| 16895 | Calimafde, John  | 212-551-5000 |
| 15245 | Hopgood, Roy Jr  | 212-551-5000 |
| 21049 | Judlowe, Stephen | 212-309-2101 |

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# Patterson Belknap Webb & Tyler LLP

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Jeffrey I. D. Lewis  
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Direct Fax (212) 336-2544  
jidlewis@pbwt.com

August 22, 2006

**BY FAX AND U.S. MAIL**

David Garrod, Esq.  
Goodwin Procter LLP  
599 Lexington Ave.  
New York, NY 10022

**Re: Transfer of Counsel**

Dear David:

I hope this letter finds you well. I cannot believe it has been almost two years since you left Patterson Belknap.

We are doing a periodic clean-up and were surprised to see that a number of files apparently either have not been formally transferred to Goodwin Procter in the Patent & Trademark Office or we still are listed as co-counsel (or some other variant). A list of those files is enclosed.

In order to close out this firm's involvement with those cases, since the matters including the complete files have been transferred to you, in the next two weeks I will be filing petitions to withdraw this firm and its attorneys as counsel in each of these cases unless I hear from you to the contrary.

If there are any questions or problems, please do not hesitate to call. Otherwise, we will send you copies of the petitions as they are filed.

Very truly yours,

  
Jeffrey I. D. Lewis

Enclosure

cc: Karen Berry, Esq.  
Erika Mikkelsen, Esq.  
Lorri Emanu





**SCHEDULE A**

Updated on August 22, 2006

PBW&T File No.: D0305-005

Serial No.: 10/222,337

Filed: August 16, 2002

Title: Distributed Data Propagator

Status: On October 19, 2005, a non-final rejection was mailed.

Attorney/Firm of Record: David Garrod listed as only attorney of record.

Correspondent: **PBW&T is still listed as the correspondent.**

PBW&T File No.: D0305-010

Serial No.: 10/306,689

Filed: November 27, 2002

Title: Distributed Data Propagator

Status: On July 26, 2006, the USPTO mailed the Issue Notification.

Attorney/Firm of Record: **PBW&T attorneys still listed on USPTO database.**

Correspondent: David Garrod at Goodwin Protector LLP is listed as the correspondent.

PBW&T File No.: D0305-014

Serial No. 60/531,045

Filed: December 18, 2003

Title: Framework for Assessing and Displaying Benefits of Grid-Based Computing

Status: Information cannot be retrieved from the USPTO database.

Attorney/Firm of Record: Information cannot be retrieved from the USPTO database.

Correspondent: Information cannot be retrieved from the USPTO database.

PBW&T File No.: D0305-015

Serial No.: 09/711,634

Filed: November 13, 2000

Title: Method, Apparatus and Articles-Of Manufacture for Providing Always-Live Distributed Computing

Status: On April 29, 2005, the USPTO mailed a Notice of Rescinded Abandonment and on August 8, 2005, the USPTO database states "Case docketed to Examiner in GAU."

Attorney/Firm of Record: David Garrod and other attorneys not from PBW&T.

Correspondent: **PBW&T is still listed as the correspondent.**

PBW&T File No.: D0305-012

Serial No.: 09/583,244

Filed: May 31, 2000

Reg. No.: 6,757,730

Title: Methods, Apparatus, and Articles-Of-Manufacture for Network-Based Distributed Computing

Status: On June 10, 2004, the USPTO mailed an Issue Notification, On June 29, 2004, "Patent Issue Used in PTA Calculation and Recordation of Patent Grant" mailed.

Attorney/Firm of Record: David Garrod and other attorneys not from PBW&T.

Correspondent: **PBW&T is still listed as the correspondent.**

PBW&T File No.: D0305-012 CON (This patent application is related to PBW&T File No. D0305-012)

Serial No.: 10/878,873

Filed: June 28, 2004

Title: Methods, Apparatus, and Articles-Of-Manufacture for Network-Based Distributed Computing

Status: Cannot obtain information from the USPTO database.

Attorney/Firm of Record: Cannot obtain information from the USPTO database.

Correspondent: Cannot obtain information from the USPTO database.

PBW&T File No.: Y0165-002

Serial No.: 60/408,488

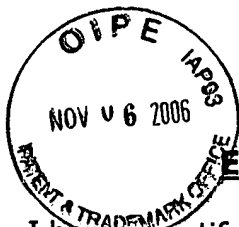
Filed: September 4, 2002

Title: Use of Deep-Level Transitions in Semiconductor Devices

Status: On July 19, 2004, Provisional expired; further status unknown.

Attorney/Firm of Record: David Garrod is the only attorney of record.

Correspondent: **PBW&T is still listed as the correspondent.**



## **EXPRESS LABEL CERTIFICATE**

I hereby certify that the Requests for Permission to Withdraw as Attorneys of Record for Serial Nos. 09/583,244; PCT/US02/03218; 10/878,873; 60/531,045; 10/306,689 and 09/583,244 are being deposited with the U.S. Postal Services as Express Mail No. **[EV 428823073 US]** in an envelope addressed to: Director, United States Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, Attn.: Mail Stop – Post Issue on November 6, 2006.

  
Lorri Emanu